



# SCHOOL BUS, INC.

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## **DEPARTMENT OF EDUCATION "POINT OF CONTACT"** **FEBRUARY 2008 NEWSLETTER**

### **House Bill 1264**

An act to permit certain persons with insulin-dependent diabetes mellitus to get an endorsement on a commercial driver license to drive a school bus.

The SDSTA is working on in this bill which was introduced to the legislature. This will help all School Bus Transportation Supervisors and Contractors. Members of SDSTA testified in front of the House Transportation Committee on last Tuesday morning. The bill passed with an eleven to one vote. Take time to read the bill and talk in support of the bill to your local legislators. It will require the help of all of us to get this through the House and Senate. You may track and read the bill from the following link. <http://legis.state.sd.us/sessions/2008/QuickFind.aspx> then type in 1264.

### **FMCSA Proposes Extensive Driver Training Requirements**

The Federal Motor Carrier Safety Administration published a Notice of Proposed Rulemaking (NPRM) on December 26 regarding minimum requirements for entry-level commercial motor vehicle operators. The requirements would apply to any applicant for a CDL who intends to drive a school bus or other commercial vehicle on interstate trips. Applicants who do not present an appropriate training certificate with their application would receive a CDL restricted to intrastate driving only. In 2004, FMCSA adopted a final rule requiring interstate drivers with less than two years' experience to receive classroom training in four subject areas. That rule was challenged in court, and the Court determined that the regulation was inadequate. This NPRM is FMCSA's response to the Court's decision, and includes the following:

- Applicants for a Class B or C CDL would have to receive 58 hours of classroom training and 32 hours of behind-the-wheel training before receiving their license.
- There would be a standardized curriculum of five subject areas (Basic Operation, Safe Operating Practices, Advanced Operating Practices, Vehicle Maintenance, and Nondriving Activities) based on commonly-accepted curricula in commercial driving schools. The curriculum includes almost nothing on passenger transportation.
- Training would have to be provided by a facility accredited by either the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA). Carriers could provide training, but only if their program is accredited on the same basis as an independent training institution. State school bus training programs would not be recognized as fulfilling the requirement.

FMCSA concedes that there is no data available showing that trained drivers have fewer crashes than untrained ones, or that there is a correlation between training and safety. Yet they conclude that the cost of the proposal is justified by the anticipated safety benefit. Their figures for the school bus industry are particularly questionable. Even though the proposed rule would apply to any interstate CDL driver, FMCSA bases its cost projection only on contractor drivers. Using figures from the Department of Labor, they estimate that just under 8,000 new contractor drivers will be needed each year, but only 1% of them will be interstate drivers. Allowing for extra drivers, they estimate that the rule will apply to only 119 drivers a year. In figuring the cost, FMCSA (again using DOL figures) estimates the average school bus driver starting wage with benefits at \$11.40/hour and direct training costs at \$25/hour. An additional 80 hours of training would amount to \$2,912 per driver—but with only 119 drivers to train, the cost to the industry is put at a mere \$346,300/year. Obviously, the logic here is faulty, and we (NSTA) will point that out in our comments to the docket. But even if the cost were as low as FMCSA contends, it would be difficult to justify, since there have been no fatal school bus crashes in interstate transportation for at least the past 15 years, and probably longer. You can read the NPRM and submit your own comments at [www.regulations.gov](http://www.regulations.gov). Search for FMCSA-2007-27748. The deadline for comments is March 25.

### **Understanding the FCC Narrowbanding Requirements**

From the National Institute of Justice, an agency of the U.S. Department of Justice

Key Points About FCC Narrowbanding Requirements:

Most current public safety radio systems use 25 kHz-wide channels. The Federal Communications Commission (FCC) has mandated that all non-Federal public safety licensees using 25 kHz radio systems migrate to narrowband 12.5 kHz channels by January 1, 2013. Agencies that do not meet the deadline face the loss of communication capabilities. Agencies need to start planning now to migrate to narrowband systems by assessing their current radio equipment and applying for new or modified licenses.

### **Overview**

Private land mobile radio (LMR) systems--including municipal government and State and local public safety systems--use blocks of radio spectrum called channels. Historically, LMR systems have used 25 kHz-wide channels. In December 2004, the Federal Communications Commission mandated that all private LMR users operating below 512 MHz move to 12.5 kHz narrowband voice channels and highly efficient data channel operations by January 1, 2013.

### **Deadlines**

To phase in the migration deadline of January 1, 2013, the FCC has established interim deadlines. The first important deadline is January 1, 2011, after which:

The FCC will not grant applications for new voice operations or applications to expand the authorized contour of existing stations that use 25 kHz channels. Only narrowband authorizations will be granted.

The FCC will prohibit manufacture or importation of new equipment that operates on 25 kHz channels. This will reduce the availability of new equipment for legacy radio systems and will affect how agencies maintain and upgrade older systems.

### **Planning the Move to Narrowband**

Public safety agencies and companies need to aggressively develop a strategy to meet narrowband deadlines to avoid cancellation of existing wideband FCC authorizations. Although the migration deadline may seem far off, the long lead time and interim deadlines make it necessary for agencies to plan well in advance.

Assess current equipment and start planning. To prepare for the migration, companies start assessing their radio systems and planning for replacements or upgrades. They should inventory their current equipment to ascertain what can be converted to 12.5 kHz and what will need to be replaced before January 1, 2013. Most new equipment has the capability for both 25 kHz and 12.5 kHz operation because any VHF/UHF radio equipment accepted by the FCC after February 14, 1997, had to have 12.5 kHz capability. The 12.5 kHz narrowband equipment is available in both conventional analog FM and digital formats (such as Project 25), so narrowband conventional FM systems will be compliant.

Obtain new or modified licenses. To move to narrowband operations, agencies must apply for new frequencies or modify existing licenses. An agency that is licensed for a 25 kHz-wide channel is not guaranteed two 12.5 kHz channels. Licensees will have to justify to the FCC why they need additional channels. Consideration of applications for new narrowband licenses will follow the same process as a new license application. As agencies and companies migrate to narrowband operation, however, the pool of available frequencies will increase.

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